

Board of Okanogan County Commissioners
Monday, January 3, 2022 AM

JD—Jim DeTro, BOCC, District 3
AH—Andy Hover, BOCC, vice-chair, District 1
CB—Chris Branch, BOCC, chair, District 2
LJ—Lalena Johns-clerk to the Commissioners
PP—Pete Palmer, Director of Planning and Development

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Summary of significant discussions:

*AH is elected Chair of the BOCC and CB is elected Vice-Chair.
PP gives Planning Department update. There are three moratoria deadlines coming up in January and early February. They'll either be renewed or they'll lapse. The three are building permits and subdivisions in the Methow and marijuana. Commissioners discuss the issue of marijuana growers paying the county's personal property tax.
Commissioners go into executive session for PP's performance evaluation review.
After some discussion about the personal property tax for marijuana growers and that of all the other businesses in the county, the Commissioners pass a motion to write a letter to the Liquor and Cannabis Board and to Dept of Revenue, saying they'll protest renewal of any business license if they're behind in their PPT. Motion passes 2-1 with CB casting the no vote.*

JD is delayed because of the snow. AH and CB wait for him to arrive. He says he will be there shortly.

00:10:15—LJ says she's received an email from Josh saying he has nothing to update the BOCC about this week and would like to skip today's update unless there's an issue the Board wants to hear about.
CB—Only thing I'd like to know about is how snow removal is going. AH and CB decide it's OK if he doesn't come in.

00:13:40—CB brings up the topic of the Simikameen Trail. He's got a map and wants to transfer the trailhead to the city of Oroville. The city was reluctant to build on it without the transfer.
JD has arrived and discusses problems he's had getting to work this morning.

00:19:10—LJ—I call for nominations for Chairman for 2022.

AH—I'm willing to do it.

JD—I nominate Commissioner Hover.

CB—I second that.

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JD—I cast a unanimous ballot.

LJ—Nominations for vice-chair.

JD—I nominate Commissioner Branch.

AH—I second that.

JD—And cast a unanimous ballot.

Passes 3-0.

CB—I make a motion to have the attorney prepare a quit claim deed for this property at the trailhead in Oroville to quit claim it to the City of Oroville.

JD—I second it.

CB—Discussion. That piece includes a part of the trail but that's the legal description we have. Then the city would take care of it, and it's within the city. Any dealings with a property owner who wants to do a subdivision would be easier for the city.

AH—I'm pretty sure that between government entities, we can do quit claim deeds without selling it? So your motion is for the attorney to draw up the deed so he'd know what's happening.

Motion passes 3-0.

CB—There's no parcel number but it's the trailhead of the Simikameen Trail in Oroville.

00:23:35— Staff meeting. LJ has nothing to report.

PP—I don't have much today. We're taking a breather after the Comp Plan. Waiting to see what happens next.

PP—We've got three ordinances coming up. Two expire this month and one in February. They're the subdivision ordinance, the marijuana ordinance and the building permit ordinance.

AH—One involves the Tunk?

PP—I think it was adopted, but I'll check.

AH—We have four moratoriums in place: Subdivision in the Tunk, building permits and subdivisions in the Methow and then marijuana. I think we need to look at the one in the Tunk. Comp Plan talks about legally available water and physically available water and I think we should explore if we need a moratorium or whether the Planning Department would require showing legally or physically available water.

PP—OK. The only other thing to share is that I'm pretty booked every Wednesday with marijuana meeting. Five or six every Wednesday. Started to get a pretty good response. Maybe set aside other day of the week to get through all of them before Feb.15.

That's all for me.

CB—On cannabis meetings—are you meeting with landowners or with leaseholders, too?

PP—Both Some property owners are very involved and some not. If they've signed an agent consent form, then we're meeting with the actual farmers. Most are bringing in the leases with them. We require paper work before we meet concerning vesting and permitting. Then we compare it to what we've got. From the site plan we can see structures that have happened without permits. We're allowing them to put everything on one site plan, but they have to get multiple building permits.

AH—Have you talked to them about personal property tax (PPT) at all? (*Personal property tax applies to businesses in every county in Washington State and most states across the nation. State law requires every business to report their personal property each year to the county assessor for assessment purposes. Revised Code of Washington {RCW} 84.40.185.*) You might want to remind them that they're a business and they might want to call the Assessor to make sure you're up to date. I know it's something that's been at issue.

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PP—That’s all I’ve got for today.

AH—We could move PP’s evaluation up to right now if it’s OK with everyone?

PP, CB, JD agree.

CB— I move to go into executive session for 20 minutes. RCW 42.30.110 (1)(g) for the performance evaluation for Pete Palmer, Director of the Planning Department. Motion passes 3-0.

00:37:25—Discussion with two repair people, LJ and Commissioners of the projector which isn’t working.

LJ—Josh emailed an update about the snow and I sent it to you a minute ago.

JD—We could do the consent agenda.

AH—Chris at the radio station has asked me to be on his show on Jan. 6. I’m willing to go if you (JD and CB) don’t want to.

JD and CB—Fine with us.

AH—Suggest wording change to the minutes the BOCC are going to approve.

AH—LJ—Did we move forward getting the Capital Facilities Plan advertised for a public hearing?

LJ—I believe so. I’ll check. The hearing’s on Jan 24 at 11AM. The notice will be published in the legal newspapers.

AH—Great.

AH and JD trade stories about their encounters with bears.

1:09:05—CB gives AH phone numbers for people he’ll have to deal with now that he’s the chairman. One of the people is involved in a contract with the county and CB thinks there may have to be an executive session about it at some point.

CB—I’m sending a link to you both for a good example of a Capital Improvement Plan that Snohomish County adopts and then incorporates into their Capital Facilities Plan (CFP). It’s interesting to see how they’ve done that.

1:23:40—AH—Let’s do the minutes and consent agenda, since there’s 45 minutes until public comment.

CB—Move to approve minutes for Jan. 27 & 28. Passes 3-0.

CB—Move to approve the consent agenda—all five items. Passes 3-0.

AH—We also have minutes from Jan. 29 to approve.

LJ—What about the Lake Management District voucher certification? It’s like an EMS District where you have to convene as the District to approve the vouchers.

AH and CB makes changes to Jan. 29 minutes.

CB—Move to approve minutes for Jan. 29. Passes 3-0.

1:59:00—CB—I move to adjourn as BOCC and convene at the Lake Management District for Lake Osoyoos. Passes 3-0.

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CB—I move to approve the invoices from Okanogan County Noxious Weed Control Board for \$27,379.44. Passes 3-0.

CB—Move to reconvene as BOCC. Passes 3-0.

2:02:35—CB to AH—About your comment earlier about checking about the PPT with the cannabis producers, I kind of question that process. Some that come from the Liquor and Cannabis Control Board lists which have other businesses—like vineyards—so I ask the Assessor to include everybody on his list. I'd question the appropriateness and legality unless we do it with everybody.

AH—My comment to PP was about there might be some people who don't know they have to pay the PPT on all your business stuff. I just wanted them to check with the Assessor.

CB—So what I'm saying is that if we just advise people, we do it as the Board. If we're got a practice of educating people with the permitting processes, then we should practice that across the board.

AH—The only two permits that Planning gives out are for nightly rentals which should have a PPT reminder in it, and this one.

CB—So I suggest if it's an education process we want to do, we should have a standard letter to explain the PPT. One page, and we could give it to people to show we're not singling people out.

AH—Maybe talk to Larry (Gilman, County Assessor) about what his process is. If you've got a business license in Okanogan County, you can figure that out. Ask Larry how he knows who needs to pay PPT and how does he educate those folks.

CB—We need to keep focused on treating everybody the same.

AH—There's the two permits the county gives out—nightly rentals and marijuana production.

CB—What about conditional use permits (CUP)? The only way to enforce them is to look at them individually. I think we should have a campaign to better education the public.

AH—If you have to get a business license through the state, do they do any checking to make sure you're current in your taxes before issuing it? What if your state taxes are in arrears, can you get your license renewed. If so, then that's a precedent to not renew a license if they don't pay the PPT.

JD—We'd have to ask Larry.

AH—Notes it's 11:34 and time for public comment. There are none.

AH—That's another question. Does Okanogan County issue licenses to do businesses?

AH—We need to have this discussion with the Assessor and Pete.

LJ—The county has business licenses for pawn shops and second hand goods. But I don't remember ever issuing one and I don't think there's a templet.

AH—We need to discuss it because we don't want to single out one group. What do we require of those two businesses because they're different? And we should have a form letter for all those business to remind them to pay the PPT.

CB—Yes. It's a risk management issue. This makes sure we treat everyone the same. On a larger scale do we want to get into the business of collecting the PPT and especially in submitting the list?

AH—If we issue any permits or licenses, then yes.

CB—Then we should probably create a policy to do that. Then we can defend ourselves if someone says we're singling them out.

AH—I agree with CB that we don't want to get into the business of collecting PPT for every business in the County. But if we're the ones issuing the permit, then they need to be up to date for everything they need to be up to date on before we renew the license.

CB—The conversation began if we should protest the renewal with the state's license.

AH—Yes. That's how we started the conversation.

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CB—And I doubt the state will do anything about it. So to be even-handed, I think we need a handout or an annual letter. Maybe Larry even does that.

AH—As the BOCC, we could write a letter to the Liquor and Cannabis Board and to Department of Revenue, saying we'll protest renewal of any business license if they're behind in their PPT.

CB—We could do that. I move we send such a letter. Motion passes 2-1. (CB votes no.)

AH—Approved to send a letter but we don't know what the body of the letter will look like. We need to talk to Assessor and Pete first. LJ—Can you invite them next week? LJ—Will do.

Adjourn until 1:30 PM on Wednesday.